

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICK PEARSON, FRANCISCO PADILLA,
CECILIA LINARES, AGUSTINA BLANCO,
ABEL GONZALEZ, and RICHARD JENNINGS,
On Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

v.

NBTY, INC., a Delaware corporation; and REXALL
SUNDOWN, INC., a Florida corporation;
TARGET CORPORATION, a Minnesota
Corporation

Defendants.

THEODORE H. FRANK,

Objector.

Case No. 11-CV-07972

CLASS ACTION

Hon. James B. Zagel

THEODORE H. FRANK'S NOTICE OF APPEAL

Notice is hereby given that objecting class member Theodore H. Frank appeals to the United States Court of Appeals for the Seventh Circuit from the Court's Memorandum Opinion and Order (Docket No. 143), filed January 3, 2014, and from its Final Judgment (Docket No. 144), filed January 22, 2014, and all opinions and orders that merge therein.

Dated: January 29, 2014

/s/ Melissa A. Holyoak

Melissa A. Holyoak, (DC Bar No. 487759)

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Certificate of Service

The undersigned certifies she electronically filed the foregoing Notice via the ECF system for the Northern District of Illinois, thus effecting service on all attorneys registered for electronic filing. She also caused for the foregoing to be mailed by First Class postage to the following recipients:

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Dated: January 29, 2014

/s/ Melissa A. Holyoak